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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Central Acts

HOME DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 2nd August, 2025

BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.

No. GG/118/2025/SB.5/BNS/102024/GoI-15:- In exercise of the powers conferred by sub-section (2) of section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) in its application to the State of Gujarat, the Government of Gujarat, hereby makes the following rules, namely :-

1. Short title, extent and commencement. -

(1) These rules may be called the Gujarat Witness Attendance Order Rules, 2025.

(2) They shall extend to the whole of the State of Gujarat.

(3) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions. -

(1) In these rules, unless the context otherwise requires, -

(a) “Annexure” means the Annexure appended to these rules;

(b) "FIR" means the First Information Report registered under section 173 of the Sanhita;

(c) “Informant” means the person who first provided information relating to the commission of an offence, as recorded in the FIR under section 173 of the Sanhita;

(d) "Investigating Officer" means the officer-in-charge of a police station or any other officer authorized under the Sanhita to conduct an investigation;

(e) "Witness" means any person who appears to be acquainted with the facts and circumstances of the case under investigation, as referred to in section 179(1) of the Sanhita;

(f) "Written Order" means the order issued in writing by the investigating officer under section 179(1) of the Sanhita to require the attendance of a witness;

(g) “Sanhita” means the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

(2) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Sanhita.

3. Form of Written Order. -

(1) The written order issued by the investigating officer under section 179(1) of the respectively assigned to them in the Sanhita to require the attendance of a witness shall be as specified in Annexure -A.

(2) The written order shall contain, -

(a) the name, address, and contact details (if available) of the witness;

(b) the FIR number, date, and police station details related to the case under investigation;

(c) a brief description of the case and the reason the witness’s attendance is required;

(d) the date, time, and place where the witness is required to attend;

(e) a statement informing the witness of the protections under the first proviso to section 179(1) of the Sanhita, including that no male person under 15 years or above 60 years, no woman, no person with mental or physical disability, and no person with acute illness shall be required to attend at any place other than their place of residence;

(f) information on the reimbursement of reasonable expenses for attendance, as provided under section 179(2) of the Sanhita;

(g) a warning that failure to comply with the order without just cause may result in consequences under section 194 of the Sanhita.

4. Issuance and Service of Written Order. -

(1) The written order shall be issued in duplicate, signed by the investigating officer, and bear the official seal of the police station.

The written order shall be served on the witness through one of the following methods: -

(a) Personal Delivery: Handed over directly to the witness, with an acknowledgment of receipt obtained;

(b) Registered Post: Sent by registered post with acknowledgment due to the witness’s address as recorded in the case diary or FIR;

(c) Electronic Communication: Where the witness has provided an email address or mobile number, the order may be sent via email or SMS, using a secure platform (e-summons) approved by the Government of Gujarat. A record of transmission (receipt or delivery confirmation) shall be maintained.

(2) The investigating officer shall ensure that the service of the summons complies with the protections under the first proviso to section 179(1) of the Sanhita, particularly for vulnerable groups.

5. Documentation and Compliance. -

(1) The investigating officer shall maintain a record of the issuance and service of the written order, including the date, method of service, and acknowledgment or proof of transmission, in the case diary maintained under section 192 of the Sanhita.

(2) If the witness cannot be located or refuses to accept the order, the investigation officer shall record the reasons in the case diary.

6. Reimbursement of Expenses. –

(1) The investigating officer shall inform the witnesses of their entitlement for reimbursement of reasonable expenses incurred for attending at a place other than their residence, as per section 179(2) of the Sanhita.

(2) The rate of reimbursement of expenses to witnesses shall be as specified in Annexure – B.

(3) A receipt of payment shall be maintained in the case record.

Annexure - A

Written Order for Witness Attendance

(u/s. 179(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023)

(*see rule* 3(1))

To,

Full Name of Witness,

Address of Witness,

Contact Details, if available.

Subject: Order to attend as witness in F.I.R. No._____

Sir/Madam, _____under the powers conferred by section 179(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, you are hereby required to attend before the undersigned investigating officer in connection with the investigation of FIR No._____ Date of Registration_____ Police Station: _____Sections of Law: _____ Case Description [Brief description of the case.] Reason for Attendance: _____ Date of Attendance: _____ Time: _____ Place: _____ [Police Station or Witness's Residence if applicable]

Legal Protections:

As per the first proviso to section 179(1) of the Sanhita, please note that no male person under 15 years or above 60 years, no woman, no person with mental or physical disability, and no person with acute illness shall be required to attend at any place other than their place of residence. If you fall under these categories, kindly inform the undersigned immediately, so that arrangements will be made to record your statement at your residence.

Reimbursement of Expenses:

As per section 179(2) of the Sanhita, you are entitled to reimbursement of reasonable expenses incurred for attending at a place other than your residence. Please submit relevant receipts to the undersigned for processing.

For any clarification, contact the undersigned at [Police Station Contact Details]

Date: _____

Place: _____

Signature with seal

Name and Designation of Investigating Officer

Name of Police Station

Annexure –B

(*see rule* 6(2))

SR. NO. (1)	CATEGORY (2)	AMOUNT TO BE PAID IN RS. (3)
1.	Travel by ordinary bus	Actual fare
2.	Car or similar	Rs. 5/km from residence to police station
3.	Motor Cycle, Scooter, moped or similar	Rs. 2/km from residence to police station
4.	Train journey in General Coach	Actual fare

By order and in the name of the Governor of Gujarat,

SHRADDHA PARMAR,

Under Secretary to Government.

Signature Not Verified
Signed by:BHOLUSINGH G THAKUR
Date: 2025.08.05 22:09:22 +05:30
Reason: Validate Document
Location: Government Central Press, Gandhinagar